

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 CR 405	DATE	8/8/2000
CASE TITLE	USA vs. Richard Christerson		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum. This memorandum is issued as a purely informational matter, to draw the attention of counsel to the July 26, 2000 opinion in <u>United States v. Adeniji</u> , Nos. 97-3821, 97-3826 and 98-3885, in which our Court of Appeals reconfirmed the doctrines advances by the government in this case and adopted by this Court as part of the predicate for its ruling.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> ED-7  FILED FOR DOCKETING  00 AUG -8 PM 4: 01 </div>	<div style="text-align: right;">Document Number</div>
<input type="checkbox"/>	No notices required.		31
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		
<input type="checkbox"/>	Notified counsel by telephone.		
<input type="checkbox"/>	Docketing to mail notices.		
<input type="checkbox"/>	Mail AO 450 form.		
<input type="checkbox"/>	Copy to judge/magistrate judge.		
SN	courtroom deputy's initials	<div style="text-align: center;"> AUG 09 2000  date docketed  doctking deputy initials  8/8/2000  date mailed notice  SN  mailing deputy initials </div>	
		Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RICHARD CHRISTERSON, )  
 )  
Defendant. )

No. 00 CR 405

**DOCKETED**  
**AUG 09 2000**

MEMORANDUM

After this Court orally denied the motion of defendant Richard Christerson to dismiss certain counts of the indictment in this case as duplicitous, the most recent batch of our Court of Appeals' slip opinions arrived in this Court's chambers. This memorandum is issued as a purely informational matter, to draw the attention of counsel to the July 26, 2000 opinion in United States v. Adeniji, Nos. 97-3821, 97-3826 and 98-3885, in which our Court of Appeals reconfirmed the doctrines advanced by the government in this case and adopted by this Court as part of the predicate for its ruling:


1. There is a meaningful difference between the type of "joint agreement that is essential to a defendant's liability for the crime of conspiracy" and what must be proved to convict a defendant of mail fraud (the charges that are involved in this case) (slip op. at 9).

2. That eliminates any need for one participant's knowledge of the identity of other participants or of their

acts in furtherance of the fraudulent scheme, because all that must be established is each participant's "knowing participation in the same scheme" (id. at 9-10).

3. Nonetheless "evidence of one participant's actions in furtherance of a scheme to defraud is admissible against the other participants in that scheme, just as it is in a conspiracy case" (id. at 11).

4. In such situations, cautionary jury instructions are adequate to avoid the possible tainting of a conviction by evidence that might otherwise prejudice a defendant (id. at 12).

  
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Milton I. Shadur  
Senior United States District Judge

Date: August 8, 2000